

MINUTES

BOARD OF NURSING HOME ADMINISTRATORS

DATE: May 31, 2002

PLACE: Department of Health (DOH)
1101 Eastside Street, Conference Room 6a
Olympia, Washington

BOARD MEMBERS: Linda Batch
James Bennett, Chair
John Brigham, Vice Chair
Kate Brostoff
Donna El-Din
Cal Groenenberg
Lennette Watson

STAFF: Margaret Gilbert, Staff Attorney
Melissa Hartley, Staff Attorney
Barbara Hayes, Program Manager

**ASSISTANT ATTORNEY
GENERAL:** Marc Defreyn, AAG Advisor

GUESTS: Janet Bateson, Department of Social and Health Services Aging
and Adult Services Administration, Residential Care Services
Neil Ostlie, The Kenney, Seattle

In accordance with the Open Public Meetings Act, approximately 11 meeting notices were mailed to interested persons requesting notification of Board of Nursing Home Administrators (BNHA) meetings and rules hearings.

OPEN SESSION

1. CALL TO ORDER

- Jim Bennett, Chair, called the meeting to order at 10:00 AM.
- People attending the meeting introduced themselves.
- Barbara Hayes informed members that paperwork to appoint new members was submitted to the Governor's Office. Ms. Hayes requested input to answer the Governor's Office question about ethnic diversity and gender diversity of the members of the Board as it relates to diversity in the profession. Members indicated that the makeup of the Board generally reflects the ethnic and gender population of the nursing home administrator profession. Ms. Hayes informed members that she is now assigned to the nursing home administrator (NHA) program for three days a week and assigned to the Health Policy

Services Office for two days a week. There is no plan to have other staff assigned to the NHA program.

- The agenda was approved as amended.

2. OPEN FORUM FOR PUBLIC INPUT

Neil Ostlie, nursing home administrator for The Kenney, a 20-bed nursing home that is part of a larger complex that also includes assisted living functions and retirement apartments. Mr. Ostlie discussed his reasons for requesting an exception to the rule that limits administrator-in-training programs to nursing homes with 50 or more beds. Mr. Ostlie was advised to resubmit his request for exception to this rule and include his reasons the BNHA should reconsider their previous decision to not give an exception to the rule for the applicant for NHA license who wants to complete an AIT program at The Kenney complex.

3. CASE DISPOSITION SUBCOMMITTEE REPORT

- Cal Groenenberg reported that the subcommittee reviewed the draft BNHA policy on disciplinary guidelines. The subcommittee recommended approval of the policy with changes made at this meeting. The BNHA approved its policy on violation categories, aggravating and mitigating circumstances and circumstances not to be considered, and sanctions to be used when developing final orders to resolve statements of charges issued to NHA respondents. The Secretary of the Department of Health now must review the policy as required by RCW 18.130.065.
- Mr. Groenenberg reported that staff would send a reminder letter to the newly licensed NHA two to four weeks after the date the first license was issued.
- A discussion on alternative process for new licensees who move out of state to practice before taking the course but who want to keep their Washington license was deferred to the next meeting.

4. EDUCATION SUBCOMMITTEE REPORT

- Donna El-Din reported that the subcommittee reviewed the continuing education (CE) review criteria and made several changes to clarify and consolidate the document. Some components were eliminated as no longer necessary to the CE review process.
- Ms. El-Din reported that the subcommittee reviewed the BNHA interim policy on CE deficiencies and made draft changes. The changed policy will be reviewed at the next meeting for recommendation to the BNHA for approval.

5. RULES REPORT

- John Brigham reported that the subcommittee did not meet.
- Barbara Hayes reported that the paperwork to hold a rules hearing on proposed rules amending CE requirements, expired licenses and inactive licenses was filed with the Code Reviser's Office and a mailing of the CR 102 regarding proposed rules and notice for the April 9, 2002 rules hearing will be mailed out.
- Ms. Hayes reported that the expedited repeal of the BNHA rule on nursing homes temporarily without an administrator is ready for adoption. The BNHA voted to adopt the repeal and Jim Bennett, Chair, signed the rule-making order. Ms. Hayes will submit

the paperwork (CR 103 form) to adopt repeal of the redundant rule for submission to the Code Reviser's Office.

- Ms. Hayes reported that the rules process to repeal the requirement for submission of a request for approval of CE has not started yet and she will report on progress at the next meeting.
- Members discussed an issue raised by the Department of Social and Health Services about clarification of WAC 246-843-010(1) as it relates to nursing homes with more than 50 beds in rural areas. The members directed Ms. Hayes to start the rule-making process with submission of a CR 101 form, Preproposal statement of inquiry, to the Code Reviser's Office.

6. NATIONAL ASSOCIATION OF BOARDS OF EXAMINERS FOR LONG TERM CARE ADMINISTRATORS (NAB)

Jim Bennett informed members that neither John Brigham nor Barbara Hayes would attend the Annual Meeting of NAB in June because of the Governor's freeze on travel.

7. ELECTION OF CHAIR AND VICE CHAIR

Members elected Jim Bennett to continue as Chair and John Brigham to continue as Vice Chair.

8. SUBCOMMITTEE ASSIGNMENTS

Jim Bennett, Chair, disbanded the Case Disposition Guidelines Subcommittee and requested that members volunteer for a task force to work on a form to use when developing sanctions for violations of law as described in statements of charges issued to NHA respondents. The Education Subcommittee members are Linda Batch, Donna El-Din and Lennette Watson. The Rules and Legislation Subcommittee is Jim Bennett, John Brigham, and Kate Brostoff. New board members will be assigned after the Governor appoints them to the BNHA. Each subcommittee will choose its subcommittee chair.

9. PROGRAM REPORT

- Barbara Hayes informed members that the 2001 year-end statistical report mailed to members might be inserted into the 2001—2003 budget book members received at a previous meeting. Members reviewed the report.
- Ms. Hayes informed members that revenue for the NHA program during the biennium so far is less than expenditures.
- Ms. Hayes reported that the Department is still working on ideas for agency-sponsored legislation for the 2003 legislative session.

10. DEPARTMENT OF SOCIAL AND HEALTH SERVICES (DSHS)

Janet Bateson informed members on the state law training that DSHS has given since March 2000. A table showing dates of training, number of participants and general comments was distributed for member review.

CLOSED SESSION

11. DISCIPLINARY

- Margaret Gilbert, Staff Attorney, presented the Statement of Allegations and proposed Stipulated Informal Disposition signed by the respondent, Docket NO. 02-05-A-1034 NH, Program No. 2002-01-0008. Members deliberated on the case with legal advice from Marc Defreyn, AAG. Members participating in deliberation voted to accept the STID.
- Ms. Gilbert, Staff Attorney, presented the Statement of Allegations and proposed Stipulated Informal Disposition signed by the respondent, Docket NO. 02-05-A-1006 NH, Program No. 2002-01-0003. Members deliberated on the case with legal advice from Marc Defreyn, AAG. Members participating in deliberation voted to accept the STID.

OPEN SESSION

12. COMPLAINTS

- Barbara Hayes distributed the list of complaints closed since the November 2001 BNHA meeting
- The BNHA voted to accept the complaints as closed.
- Members reviewed a report on complaint files currently assigned to BNHA members.
- Ms. Hayes requested the case disposition panel conference call be changed from the third Tuesday each month to the third Wednesday. Members agreed to the change of day and designated 12:30 PM as the time for the conference call.

13. CONSENT AGENDA

There were no consent agenda items.

14. NEXT MEETING DATE AND TOPICS REVIEW

The next Board meeting date is August 9, 2002 in Kent. Topics for the next meeting include: discussion of the state law training for people out-of state, draft policy on CE deficiencies, report on progress to initiate rule-making relating to nursing homes in rural areas, report of progress of proposed expedited repeal of a subsection of the rule on continuing education courses, a public rules hearing on amended rules relating to continuing education, expired licenses and inactive licenses scheduled for 3:00 PM.

15. ADJOURNMENT—The meeting adjourned at 1:45 PM

Recorded and submitted by:

Barbara A. Hayes, Program Manager

Approved by:

James K. Bennett, Chair